

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

KENNETH GAYNEAUX AND
SEABRIGHT INSURANCE COMPANY

CIVIL ACTION NO. 6:13-cv-00637

VERSUS

JUDGE HAIK

NATIONAL OILWELL VARCO, LP

MAGISTRATE JUDGE HANNA

JURISDICTIONAL ORDER

The plaintiffs' complaint alleges that this Court has subject-matter jurisdiction over this action, under 28 U.S.C. § 1332, because the parties are diverse in citizenship and the matter in controversy exceeds \$75,000.00. The undersigned reviewed the pleadings and found that the requirements for diversity jurisdiction were not satisfied. The undersigned ordered the parties to submit briefs addressing subject matter jurisdiction. (Rec. Doc. 7). The parties complied. (Rec. Doc. 11, Rec. Doc. 12).

Upon review of the parties' submissions, the undersigned finds that the plaintiff has sustained his burden of proving that this Court has subject-matter jurisdiction under 28 U.S.C. § 1332.

Additionally, although the plaintiff did not expressly plead an alternative basis of jurisdiction in his complaint, his allegation that the accident underlying the lawsuit occurred on a fixed platform on the Outer Continental Shelf (Rec. Doc. 1 at ¶ 7),

which was confirmed by the defendant (Rec. Doc. 12 at 1), affords federal question jurisdiction.¹

Signed at Lafayette, Louisiana, this 14th day of May 2013.

A handwritten signature in black ink, appearing to read 'Patrick J. Hanna', written over a horizontal line.

PATRICK J. HANNA
UNITED STATES MAGISTRATE JUDGE

¹ 43 U.S.C. § 1349(b)(1). See, e.g., *Cutting Underwater Technologies USA, Inc. v. Eni U.S. Operating Co.*, 671 F.3d 512, 517 (5th Cir. 2012); *Dahlen v. Gulf Crews, Inc.*, 281 F.3d 487, 492 (5th Cir. 2002); *Hufnagel v. Omega Service Industries, Inc.*, 182 F.3d 340, 353 (5th Cir. 1999).